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Application Number	09/672,435
Filing Date	09/28/2000
First Named Inventor	John K. Gerken III
Art Unit	3627
Examiner Name	James S. McClellan
Attorney Docket Number	RAL920000034US1

ENCLOSURES (Check all that apply)

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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Winstead Sechrest & Minick P.C.		
Signature			
Printed name	Robert A. Voigt, Jr.		
Date	08/05/2005	Reg. No.	47,159

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

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Typed or printed name	Toni Stanley	Date	08/05/2005

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RAL9-2000-0034US1

PATENT

3627
AF/TN

- 1 -

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	:	Before the Examiner:
Gerken et al.	:	James S. McClellan
Serial No.: 09/672,435	:	Group Art Unit: 3627
Filed: September 28, 2000	:	
Title: CUSTOMER CHECKOUT	:	IBM Corporation
ACCELERATOR	:	P.O. Box 12915
	:	Dept. 9CCA, Bldg. 002
	:	Research Triangle Park, NC 27709

RESPONSE TO NOTICE OF NON-COMPLIANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliance having a mailing date of July 29, 2005, with a time for response set to expire on August 29, 2005. Appellants respond as follows:

CERTIFICATION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence (along with any item referred to as being enclosed herewith) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 5, 2005.

Signature

Toni Stanley

Toni Stanley

(Printed name of person certifying)

The Examiner asserts that Appellants' Second Supplemental Appeal Brief does not contain an evidence appendix and a related proceedings appendix. Appellants have amended the Second Supplemental Appeal Brief (referred to as "Second Supplemental Amended Appeal Brief") by including these appendices. Accordingly, Appellants respectfully assert that the Second Supplemental Amended Appeal Brief is in compliance and respectfully request the Examiner to withdraw the notice of non-compliance.

Respectfully submitted,

WINSTEAD SECHREST & MINICK P.C.

Attorneys for Appellants

By: _____


Robert A. Voigt, Jr.

Reg. No. 47,159

Kelly K. Kordzik

Reg. No. 36,571

P.O. Box 50784
Dallas, Texas 75201
(512)370-2832

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